

Report of the

**EXPERT CONSULTATION ON THE FAO GUIDELINES
FOR ECOLABELLING FOR CAPTURE FISHERIES**

Rome, 3–5 March 2008



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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2008



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PREPARATION OF THIS DOCUMENT

This is the Report of the Expert Consultation on the FAO Guidelines for Ecolabelling, held in Rome, from 3 to 5 March 2008. The Expert Consultation was convened by FAO at the request of the twenty-seventh session of the Committee on Fisheries (COFI) (Rome, March 2007).

Distribution:

Participants
All FAO Members
Directors of Fisheries
FAO Fisheries and Aquaculture Department
FAO Regional and Subregional Fishery Officers

FAO.

Report of the Expert Consultation on the FAO Guidelines for Ecolabelling, Rome, 3–4 March 2008.
FAO Fisheries Report. No. 864. Rome, FAO, 2008. 21p.

ABSTRACT

Following the Technical Consultations in 2004 and 2005, FAO produced Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries. Those guidelines were adopted by the twenty-sixth session of COFI in 2005. In 2006, FAO held an Expert Consultation on the development of similar guidelines for inland capture fisheries. In adopting the guidelines, the twenty-sixth session of COFI recommended that “FAO should review and further develop general criteria in relation to ‘stock under consideration’ and to serious impacts of the fishery on the ecosystem (paragraph 27 of the Guidelines)”. This recommendation was subsequently endorsed by the twenty-seventh session of COFI in March 2007, where it was agreed that FAO undertake further work in relation to minimum substantive requirements and criteria for both marine and inland capture fisheries.

Following this request by the twenty-seventh session of the Committee on Fisheries, the Expert Consultation on the FAO Guidelines for Ecolabelling was convened by FAO in Rome from 3 to 5 March 2008.

The Expert Consultation reviewed the existing marine and inland capture fisheries guidelines and formulated recommendations to COFI to address COFI’s request on “stock under consideration” and “minimum substantive requirements”.

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OPENING OF THE MEETING AND ARRANGEMENTS FOR THE SESSION

1. The Expert Consultation on the FAO Ecolabelling Guidelines was held in Rome, Italy, from 3 to 5 March 2008.
2. The list of experts and other participants in the meeting is shown in Appendix B. The meeting was called to order by Dr Kevern Cochrane, Chief, Fisheries Management and Conservation Service. Mr Ichiro Nomura, Assistant Director-General, Fisheries and Aquaculture Department, delivered the opening statement. The text of his statement is reproduced in Appendix C.
3. Dr Kristján Thorarinnsson was elected Chairperson and Ms Nancy Gitonga was elected Vice-Chairperson.
4. The agenda shown in Appendix A was adopted by the Expert Consultation.
5. Professor Keith Sainsbury presented the salient features of the background document he had prepared for the Expert Consultation. A summary of his presentation is given in Appendix D.

DISCUSSION ON THE BACKGROUND DOCUMENT

6. Before opening the floor for discussion the Chairperson noted that he had been involved in the development of the FAO guidelines for fishery products from the early days. He advised that it would be useful to stay as close to the COFI approved text (which is based on the United Nations Conference on the Law of the Sea [UNCLOS], the United Nations Fish Stocks Agreement and the FAO Code of Conduct for Responsible Fisheries) as possible.

7. Points raised during the discussion of the background document include:

a) General

- The Expert Consultation noted that COFI had already adopted ecolabelling guidelines for marine capture fisheries but those for inland capture fisheries had not yet been adopted by COFI. The Expert Consultation agreed in this meeting that proposals for amendments of the minimum substantive requirements would be developed separately for inland capture fisheries and for marine capture fisheries. The Expert Consultation took note of and agreed with the conclusion of the Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries¹ that *"most of the provisions on procedural and institutional aspects of standard setting, accreditation and certification applied equally to both marine and inland capture fisheries"*.
- The Expert Consultation recognized that enhancement of fisheries is common in inland fisheries and that it is increasingly used in marine fisheries. The full spectrum of practices in enhancement ranges from no enhancement in pure capture fisheries to highly controlled aquaculture systems. There is no agreed boundary to determine when a fishery should cease to be considered a capture fishery.
- Species introductions can and are likely to have major impacts on aquatic ecosystems. In this context there is an urgent need for FAO to review and strengthen the existing technical guidelines on species introductions.²
- The Expert Consultation agreed that further guidance on assessment of fisheries in data poor situations is necessary, including application of risk assessment methods in such situations. The Expert Consultation recommended that FAO develop technical guidelines on the application of risk assessment methods in the context of ecolabelling of data poor fisheries.
- Ensuring reliable chain of custody is a critical issue in ecolabelling. The Expert Consultation recommended that this aspect would benefit from further refinement and that this work could be done in the context of ongoing work in the COFI Sub-Committee on Fish Trade relating to traceability.

¹ Report of the Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries. Rome, 23–26 May 2006. FAO Fisheries Report. No. 804. Rome, FAO. 2006. 30p.

² Precautionary approach to capture fisheries and species introductions. FAO Technical Guidelines for Responsible Fisheries. No. 2. FAO, Rome. 1996. 54p.

b) Minimum substantive requirements

- Attempting to define small-scale and large-scale fisheries in the guidelines was seen as a possibly distracting issue. The important issue is to agree on guidelines that will allow sustainable fisheries to be certified, regardless of their scale.
- Some fisheries systems are externally driven: inland fisheries are particularly marked by this characteristic but it is also the case for some marine fisheries. In such cases the fishery is not the main factor driving changes in production and this can create difficulties for ecolabelling. Nonetheless, the harvest of the target species still needs to be managed so as to conserve the natural production components of the "stock under consideration" and to minimize adverse impacts on the ecosystem. Ecolabelling criteria should therefore still be relevant in such cases.

MINIMUM SUBSTANTIVE REQUIREMENTS FOR MARINE CAPTURE FISHERIES AND FOR INLAND CAPTURE FISHERIES

8. The Expert Consultation agreed on proposed revised minimum substantive requirements for marine capture fisheries (Appendix E).

9. The Expert Consultation noted and commended the work of the 2006 Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries to define the scope of the inland fisheries guidelines but there was not full agreement on the validity of the definitions provided and it was recommended that these need to be considered further. The Expert Consultation noted that marine capture fisheries guidelines focus on wild capture fisheries and guidance on how to address enhancement in the guidelines may be necessary in the event of a future amendment. It would also be desirable to investigate if and how elements of the definitions in the inland capture fisheries guidelines could become applicable to the marine capture fisheries guidelines if the scope of the latter is considered in the future.

10. The 2006 Expert Consultation on inland fisheries used the marine capture fisheries guidelines as their starting point, modified them, and adopted those modified guidelines as appropriate for inland capture fisheries. With reference to those guidelines for inland capture fisheries, changes to the marine guidelines that had been made by the 2006 Expert Consultation on inland fisheries were accepted by the current Expert Consultation, with some further additions and modifications as shown in appendix F. The Expert Consultation agreed that the recommended changes to the minimum substantive requirements for marine capture fisheries would also be generally applicable to the guidelines on inland capture fisheries. However, the Expert Consultation had insufficient time to verify that all the changes being proposed for the marine guidelines would also be valid for inland fisheries and therefore has not included them in the recommended changes shown in Appendix F. The Expert Consultation recommended that they should be considered for inclusion when the inland guidelines are finalized. In addition to the specific modifications and additions shown in appendix F, the Expert Consultation offered the following general comments on the inland capture fisheries guidelines:

- The proposed definitions of "inland capture fisheries" (which defines the scope of the guidelines), "culture-based fisheries" and "enhanced fisheries" were considered useful but there was not full agreement on their validity. It was noted that for complete understanding of the scope of inland capture fisheries, as given in the proposed definition, it would be necessary to define the term "aquaculture". It was also agreed that any element of use of or impact on wild resources would require consideration of impacts on those resources and the ecosystem as a whole. The Expert Consultation also agreed that the definition of stocking in paragraph 23b needs to be considered and amended if necessary.
- The Expert Consultation noted that the term "scientific" refers to the application of the scientific process which implicitly includes a validation process. It therefore disagreed with the recommendation from the 2006 Expert Consultation on inland fisheries that it was necessary not only to validate traditional knowledge but also to "validate" the best scientific evidence. The Expert Consultation recommends using the original text from the marine capture fisheries guidelines. This recommendation should not be taken to imply any *a priori* superiority in the best available scientific knowledge compared to objectively validated traditional, fisher or community knowledge.
- The justification for the proposed change from regional fisheries management organizations (RFMOs) to regional fishery bodies (RFBs) in relation to inland fisheries (paragraphs 5 and 27) was supported but it

was proposed that the scope should be increased to cover RFBs, regional commissions or other relevant regional organizations, noting that regional bodies other than those directly related to fisheries could provide useful information on issues related to ecological and environmental sustainability and therefore that their views should also be considered.

ADOPTION OF THE REPORT

11. The report of the Expert Consultation was adopted on 5 March 2008.

Monday, 3 March 2008

Tuesday, 4 March 2008

14.00–16.00	Drafting groups on the further elaboration of the Ecolabelling Guidelines (cont.)
16.00–16.30	Coffee break
16.30–17.30	Drafting groups on the further elaboration of the Ecolabelling Guidelines (cont.)

Wednesday, 5 March 2008

13.30–17.00 Plenary discussion/adoption of final report/closing of meeting

APPENDIX B

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APPENDIX C

Opening statement by Mr I. Nomura, Assistant Director-General, FAO Fisheries and Aquaculture Department

Ladies and Gentlemen, it is my pleasure to welcome you to Rome and to FAO.

I'm very grateful that you have accepted to serve as experts in this Consultation. I also would like to express my thanks to your organizations or governments which have agreed to your participation.

Some of you will be familiar with the history but let me give you a brief background to the convening of this Expert Consultation. FAO started work on the subject of ecolabelling for capture fisheries in 1998. At the request of the FAO Sub-Committee on Fish Trade, a Technical Consultation was held in October 1998 to investigate the feasibility and practicability of developing non-discriminatory, globally applicable, technical guidelines for the ecolabelling of fish and fishery products. In that Technical Consultation, the following sessions of the Committee on Fisheries in 1999 and 2001 and in other international fora, the ecolabelling debate was frequently controversial with four major areas of concern. These were and still are:

- the concern that ecolabelling schemes are used or may be used as new forms of barriers to trade;
- the scientific basis of certification standards and criteria;
- the potential difficulties for developing countries to participate in such schemes, especially the small-scale producers in these countries; and
- the potential confusion among traders and consumers which may derive from the utilization of a number of various and diverse product labels, themselves relating to different criteria and standards.

Notwithstanding these concerns, since the debate started there has been a growing presence in the market place of a great variety of labelling schemes, guides from environmental non-governmental organizations on seafood products that do or do not meet certain criteria related to sustainability, and of corporate sustainability supply standards. As a result, FAO Members came to recognize the advantages of having agreed voluntary international guidelines that are widely accepted and applied in order to ensure the credibility and trustworthiness of voluntary ecolabelling schemes for fish and fishery products.

In 2005, following further Technical Consultations in 2004 and 2005, FAO produced international Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries. Those guidelines were adopted by the twenty-sixth session of COFI in 2005. In addition, building on the technical and political process and progress made for marine capture fisheries, COFI also recommended that international guidelines be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries. Subsequently, in 2006, an Expert Consultation was held on the development of similar guidelines for inland capture fisheries.

However, in adopting the international marine guidelines, the twenty-sixth session of COFI also recommended that *"FAO should review and further develop general criteria in relation to 'stock under consideration' and to serious impacts of the fishery on the ecosystem"*. This recommendation was subsequently endorsed by the twenty-seventh session of COFI in March 2007, where it was agreed that:

"Regarding the draft International Guidelines for the Ecolabelling of Fish and Fishery Product from Inland Capture Fisheries, the Committee recommended that FAO undertake further work in relation to the minimum substantive requirements and criteria for inland capture fisheries ecolabels. This work should be combined with similar outstanding work relating to the minimum substantive criteria laid down in the guidelines for marine capture fisheries ecolabels."

It is for this purpose, in response to COFI's requests, that we are all assembled today.

For those of you who are not familiar with FAO rules and procedures, I should clarify that the participants in an Expert Consultation attend in their individual capacities and not as representatives of your governments or organizations. And there is no difference in status between those of you who work with government or those of you who work with a private or non-governmental entity.

Your task over the coming three days is to review the existing marine guidelines and to consider the further work required on the guidelines for inland capture fishery products. The outcome of your deliberations will provide advice to the FAO Fisheries and Aquaculture Department and subsequently the eleventh session of the COFI Sub-Committee on Fish Trade, which will be held in June this year, on the questions and concerns raised by COFI.

Finally, I would like to express my thanks to the Government of Sweden for providing the funds necessary to hold this Consultation. I wish you fruitful deliberations over the coming days and look forward with interest to the results of your work.

I hope you'll have an enjoyable stay in Rome in spite of all the work to be done.

Thank you very much, Ladies and Gentlemen, for your attention.

APPENDIX D

Summary of the presentation of salient points of the background document

by

Professor Kelth Sainsbury

The five main points of Professor Sainsbury presentation were:

1. The Minimum Substantive Requirements specified by the FAO guidelines must have a high probability of identifying sustainable fisheries and excluding unsustainable fisheries. It would be undesirable for certified fisheries to subsequently collapse or in other ways prove to be unsustainable. This should be a guiding principle in the identification of Minimum Substantive Requirements.
2. Fishery enhancements are very common in inland fisheries and are increasingly common in capture fisheries. There is a continuum between small enhancements to capture fisheries and intensive enhancements which are equivalent to aquaculture. Different minimum substantive requirements are necessary for aquaculture ecolabelling and for capture fishery ecolabelling. The extent to which enhancement is accepted as being within the scope for a capture fishery ecolabel needs clarification. If the specification of the scope is unclear then there is a high risk of inconsistent and arbitrary ecolabelling certifications, with similar practices being treated differently within and/or between ecolabelling schemes.
3. Small-scale and developing-nation fisheries are significantly involved in existing ecolabelling schemes, and with the recent development of risk-based assessment methods this involvement is expected to increase. While this is encouraging, appropriate assessment methods need to be further developed and applied, and there should be focused capacity building programs to support ecolabelling of small-scale and developing-nation fisheries.
4. Chain of Custody is critical to the integrity and successful operation of a capture fishery ecolabel. The FAO guidelines recognize the need for effective Chain of Custody but there are no guidelines, criteria or Minimum Substantive Requirements developed for this. There is a need to develop such guidance.
5. There is considerable variation in the extent to which existing ecolabelling schemes meet the FAO guidelines, and as the number of ecolabels increases this variability is likely to increase. There should be periodic evaluation and reporting of the extent of compliance with the FAO guidelines by those ecolabelling schemes that claim to be compliant.

APPENDIX E

Proposed revised minimum substantive requirements for marine capture fisheries

Unit of certification

25. The “unit of certification” is the fishery for which ecolabelling certification is ~~called for~~ sought, as specified by the stakeholders who are seeking certification. The certification could encompass the whole fishery, where a “fishery” refers to the activity of one particular gear-type or method leading to the harvest of one or more species; a sub-component of a fishery, for example a national fleet fishing a shared stock; or several fisheries operating on the same resources.

The “stock under consideration” exploited by this fishery (unit of certification) may be one or more biological stocks as specified by the stakeholders for certification. The certification applies only to products derived from the “stock under consideration” (see Para. 30). In assessing compliance with certification standards, the impacts on the “stock under consideration” of all the fisheries utilizing that “stock under consideration” ~~that stock or stocks over their~~ its entire area of distribution are to be considered.

MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR ECOLABELS FOR MARINE CAPTURE FISHERIES

Introduction

26. The following sets forth the minimum substantive requirements and criteria for assessing whether a fishery can be certified and an ecolabel awarded to a fishery. Ecolabelling schemes may apply additional or more stringent requirements and criteria related to sustainable use of the resources. The requirements and criteria presented below are to be based on and interpreted in accordance with the current suite of agreed international instruments addressing fisheries, in particular the 1982 UN Convention on the Law of the Sea, the 1995 UN Fish Stocks Agreement and the 1995 Code of Conduct for Responsible Fisheries, as well as related documentation including the 2001 Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem.

27. Requirements are specified for each of three areas: the management systems, ~~the stock or stocks fishery and associated “stock under consideration”~~ for which certification is being sought ~~(subsequently referred to as “stock under consideration”)~~, and consideration of serious impacts of the fishery on the ecosystem. Criteria and related measurable performance indicators and a corresponding monitoring system should be established in order to assess the conformity of the fishery concerned with the requirements and the criteria of the ecolabelling scheme. In developing and applying the criteria and assessing the conformity of the fishery with the standard of certification, the views and opinions of States, RFMOs and FAO should be fully considered.

Management systems

28. Requirement: The fishery is conducted under a management system which is based upon good practice and that ensures the satisfaction of the requirements and criteria described in Paragraph 29. The management system and the fishery operate in compliance with the requirements of local, national and international law and regulations, including the requirements of any regional fisheries management organization that manages ~~the target stocks~~ fisheries on the “stock under consideration”.

28.1 For the “stock under consideration” there are documented management approaches with a well based expectation that management will be successful taking into account uncertainty and imprecision.

28.2 There are objectives, and as necessary, management measures to address pertinent aspects of the ecosystem effects of fishing as per paragraph 31.

29. The following criteria will apply to management systems for any fisheries, but it must be recognized that special consideration needs to be given to small-scale fisheries with respect to the availability of data and with respect to the fact that management systems can differ substantially for different types and scales of fisheries (e.g. small scale through to large scale commercial fisheries).

29.1 Adequate data and/or information are collected, maintained and assessed in accordance with applicable international standards and practices for evaluation of the current state and trends of the stocks⁴ (see below: Methodological aspects) This can include relevant traditional, fisher or community knowledge, provided its validity can be objectively verified.

29.2 In determining suitable conservation and management measures, the best scientific evidence available is taken into account by the designated authority, as well as consideration of relevant traditional knowledge, fisher or community knowledge, provided its validity can be objectively verified, in order to evaluate the current state of the "stock under consideration"⁵ in relation to, where appropriate, stock specific target and limit reference points.⁶

29.2bis: Taking due account of paragraph 32, for the "stock under consideration" the determination of suitable conservation and management measures should include or take account of:

- Total fishing mortality from all sources is considered in assessing the state of the "stock under consideration", including discards, unobserved mortality, incidental mortality, unreported catches and catches in other fisheries.
- Management targets are consistent with achieving MSY (or a suitable proxy) on average, or a lesser fishing mortality if that is optimal in the circumstances of the fishery (e.g. multi-species fisheries) or to avoid severe adverse impacts on dependent predators.
- The management system should specify limits or directions in key performance indicators (see 30.2), consistent with avoiding recruitment overfishing or other impacts that are likely to be irreversible or very slowly reversible, and specify the actions to be taken if the limits are approached or the desired directions are not achieved.

29.3 Similarly, data and information, including relevant traditional, fisher or community knowledge, provided its validity can be objectively verified, are used to identify adverse impacts of the fishery on the ecosystem, and timely scientific advice is provided on the likelihood and magnitude of identified impacts (see Paragraph 31).

29.4 The designated authorities adopt and effectively implement appropriate measures for the conservation and sustainable use of the "stock under consideration" based on the data, information and scientific advice referred to in the preceding bullets.⁷ Short-term considerations should not compromise the long-term conservation and sustainable use of fisheries resources.

29.5 An effective legal and administrative framework at the local, national or regional level, as appropriate, is established for the fishery⁸ and compliance is ensured through effective mechanisms for monitoring, surveillance, control and enforcement (see Paragraph 6).⁹

⁴ After Code of Conduct for Responsible Fisheries, Article 7.4.4.

⁵ Code of Conduct for Responsible Fisheries, Articles 6.4 and 7.4.1.

⁶ Code of Conduct for Responsible Fisheries, Article 7.5.3.

⁷ Based on Code of Conduct for Responsible Fisheries, Article 7.1.1.

⁸ Code of Conduct for Responsible Fisheries, Article 7.2.1.

⁹ Code of Conduct for Responsible Fisheries, Article 7.1.7.

29.6 In accordance with the Code of Conduct Article 7.5, the precautionary approach is being implemented to protect the “stock under consideration” and to preserve the aquatic environment. Inter alia this will require that the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.¹⁰ Further, relevant uncertainties are being taken into account through a suitable method of risk assessment. Appropriate reference points are determined and remedial actions to be taken if reference points are approached or exceeded are specified.¹¹

“Stocks under consideration”

30. Requirement: The “stock under consideration” is not overfished, and is maintained at a level which promotes the objective of optimal utilization and maintains its availability for present and future generations,¹² taking into account that longer term changes in productivity can occur due to natural variability and/or impacts other than fishing. In the event that biomass drops well below such target levels, management measures (Code of Conduct Article 7.6) should allow for restoration within reasonable time frames of the stocks to such levels (*see also paragraph 29.2 bis*).

The following criteria are applicable:

30.1 The “stock under consideration” is not overfished if it is above the associated limit reference point (or its proxy).

30.2 If fishing mortality (or its proxy) is above the associated limit reference point, actions should be taken to decrease the fishing mortality (or its proxy) below that limit reference point.

30.3 The structure and composition of the “stock under consideration” which contribute to its resilience are taken into account.

30.4 In the absence of specific information on the “stock under consideration”, generic evidence based on similar stocks can be used for fisheries with low risk to that “stock under consideration”. However, the greater the risk the more specific evidence is necessary to ascertain the sustainability of intensive fisheries.

Ecosystem considerations

31. Requirement: Adverse impacts of the fishery on the ecosystem should be appropriately assessed and effectively addressed.¹³ Much greater scientific uncertainty is to be expected in assessing possible adverse ecosystem impacts of fisheries than in assessing the state of target stocks. This issue can be addressed by taking a “risk assessment/risk management approach”. For the purpose of development of ecolabelling schemes, the most probable adverse impacts should be considered, taking into account available scientific information, and ~~best~~ traditional, fisher or community knowledge provided that its validity can be objectively verified. Those impacts that are likely to have serious consequences should be addressed. This may take the form of an immediate management response or further analysis of the identified risk. In this context, full recognition should be given to the special circumstances and requirements in developing countries and countries in transition, including financial and technical assistance, technology transfer, and training and scientific cooperation.

The following criteria are to be interpreted in the context of avoiding high risk of severe adverse impacts,

¹⁰ Code of Conduct for Responsible Fisheries, Article 7.5.1.

¹¹ Code of Conduct for Responsible Fisheries, Article 7.5.2.

¹² Code of Conduct for Responsible Fisheries, Article 7.1.1.

¹³ Code of Conduct for Responsible Fisheries, Article 7.2.

31.1 Non target catches, including discards, of stocks other than the “stock under consideration” are monitored and should not threaten these non-target stocks with serious risk of extinction; if serious risks of extinction arise, effective remedial action should be taken.

31.2 The role of the “stock under consideration” in the food-web is considered, and if it is a key prey species in the ecosystem, management measures are in place to avoid severe adverse impacts on dependent predators.

31.3 There is knowledge of the essential habitats for the “stock under consideration” and potential fishery impacts on them. Impacts on essential habitats and on habitats that are highly vulnerable to damage by the fishing gear involved are avoided, minimised or mitigated (Code of Conduct 7.2.2). In assessing fishery impacts, the full spatial range of the relevant habitat should be considered, not just that part of the spatial range that is potentially affected by fishing.

31.4 In the absence of specific information on the ecosystem impacts of fishing for the unit of certification, generic evidence based on similar fishery situations can be used for fisheries with low risk of severe adverse impact. However, the greater the risk the more specific evidence is necessary to ascertain the adequacy of mitigation measures.

Methodological aspects

Assessing current state and trends in target stocks

32. There are many ways in which state and trends in stocks may be evaluated, that fall short of the highly quantitative and data-demanding approaches to stock assessment that are often used for large scale fisheries in developed countries. Use of less elaborate methods for stock assessment should not preclude fisheries from possible certification for ecolabelling. However it should be noted that, to the extent that the application of such methods results in greater uncertainty about the state of the “stock under consideration”, more precautionary approaches to managing fisheries on such resources will be required which may necessitate lower levels of utilization of the resource. There is a variety of management measures commonly used in small scale or low value fisheries that nonetheless can achieve quite adequate levels of protection for stocks in the face of uncertainty about the state of the resource.

A past record of good management performance could be considered as supporting evidence of the adequacy of the management measures and the management system.

APPENDIX F

Proposed revised minimum substantive requirements for inland capture fisheries

The changes recommended in this Appendix are in addition to consideration of the changes recommended for the minimum substantive requirements for marine capture fisheries (Appendix E and see also paragraph 9).

MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR ECOLABELS

Introduction

26. The following sets forth the minimum substantive requirements and criteria for assessing whether a fishery can be certified and an ecolabel awarded to a fishery. Ecolabelling schemes may apply additional or more stringent requirements and criteria related to sustainable use of the resources. The requirements and criteria presented below are to be based on and interpreted in accordance with the current suite of agreed international instruments including the 1995 Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, as well as provisions of relevance for the management of inland capture fisheries contained in the 1982 UN Convention on the Law of the Sea and the 1995 UN Fish Stocks Agreement.

27. Requirements are specified for each of three areas: management systems, the stock or stocks for which certification is being sought (subsequently referred to as "stock under consideration"), and consideration of serious impacts of the fishery on the ecosystem including stock enhancement activities. Criteria and related measurable performance indicators and a corresponding monitoring system should be established in order to assess the conformity of the fishery concerned with the requirements and the criteria of the ecolabelling scheme. In developing and applying the criteria and assessing the conformity of the fishery with the standard of certification, the views and opinions of States, RFBs and FAO should be fully considered.

Management systems

28. Requirement: The fishery is conducted under a management system which is based upon good practice and that ensures the satisfaction of the requirements and criteria described in Paragraph 29. The management system and the fishery operate in compliance with the requirements of local, national and international laws and regulations, including the requirements of any regional fisheries management agreement that directs the management of the target stocks.

29. The following criteria will apply to management systems for any fisheries, but it must be recognized that special consideration needs to be given to small-scale fisheries, which are prevalent in inland capture fisheries, with respect to the availability of data and with respect to the fact that management systems can differ substantially for different types and scales of fisheries.

29.1 Adequate and reliable data and/or information are collected, maintained and assessed in accordance with applicable international standards and practices for evaluation of the current state and trends of the stocks⁴ (see below: Methodological aspects).

29.2 In determining suitable conservation and management measures, the best scientific evidence available is taken into account by the designated authority, as well as consideration of relevant traditional knowledge, provided its [their] validity can be objectively verified, in order to evaluate the

⁴ After Code of Conduct for Responsible Fisheries, Article 7.4.4.

current state of the “stock under consideration”⁵ in relation to, where appropriate, stock specific target and limit reference points.⁶

29.3 Similarly, data and information, including relevant traditional knowledge, provided its [their] validity can be objectively verified, are used to identify adverse impacts of the fishery on the ecosystem, and timely scientific advice is provided on the likelihood and magnitude of identified impacts (see Paragraph 31).

29.4 The designated authorities adopt appropriate measures⁷ for the conservation and sustainable use of the “stock under consideration” based on the data, information, and scientific advice referred to in the preceding bullets.⁷ Short-term considerations should not compromise the long-term conservation and sustainable use of fisheries resources.

29.5 An effective legal and administrative framework at the local, national or regional level, as appropriate, is established for the fishery⁸ and compliance is ensured through suitable mechanisms for monitoring, surveillance, control and enforcement (see also Paragraph 6).⁹

29.6 In accordance with the Code of Conduct Article 7.5, the precautionary approach is being implemented to protect the “stock under consideration” and the aquatic environment. This should take due account of stock enhancement procedures. *Inter alia* this will require that the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures¹⁰. Further, relevant uncertainties are being taken into account through a suitable method of risk assessment, including those associated with the use of introduced or translocated species.¹¹ Appropriate reference points are determined and remedial actions to be taken if reference points are approached or exceeded are specified.¹²

29.7 In the case of culture based and enhanced fisheries, the management system can demonstrate that the stocking material is only supplied by aquaculture facilities that meet the requirements of paragraph 30b—an effective framework should be established to link the fishery management system with its supporting aquaculture production system (see also 30b).

29.8 In the case of enhanced fisheries, the fishery management system should take due regard of the natural production of the aquatic ecosystem and minimize adverse impacts on that ecosystem and other components of the aquatic ecosystem.

“Stocks under consideration”

30a. Requirement: The “stock under consideration” is not overfished, and is maintained at a level which promotes the objective of optimal utilization and maintains its availability for present and future generations,¹³ taking into account that longer term changes in productivity can occur due to natural variability and/or impacts other than fishing. In the event that biomass drops well below such target levels, management measures (Code of Conduct Article 7.6), including measures to favourably enhance the environment, should allow for restoration within reasonable time frames of the stocks to such levels. This requirement also pertains to species introductions or translocations that have occurred historically and/or in accordance with international guidelines,¹⁴ which become established as part of the natural ecosystem.

⁵ Code of Conduct for Responsible Fisheries, Articles 6.4 and 7.4.1.

⁶ Code of Conduct for Responsible Fisheries, Article 7.5.3.

⁷ Based on Code of Conduct for Responsible Fisheries, Article 7.1.1.

⁸ Code of Conduct for Responsible Fisheries, Article 7.7.1.

⁹ Code of Conduct for Responsible Fisheries, Article 7.1.7.

¹⁰ Code of Conduct for Responsible Fisheries, Article 7.5.1.

¹¹ FAO Technical Guidelines for Responsible Fisheries No. 2 – Precautionary approach to capture fisheries and species introductions.

¹² Code of Conduct for Responsible Fisheries, Article 7.5.2.

¹³ Code of Conduct for Responsible Fisheries, Article 7.1.1.

30b. In case of enhanced and culture based fisheries, the cultured component of the “stock under consideration” is managed and developed according to relevant provisions of Article 9 of the Code of Conduct for Responsible Fisheries, especially in relation to the protection of the environment,¹⁴ the conservation of genetic diversity, disease control, and quality (fitness for survival) of stocking material,¹⁵ ~~and managed to achieve optimal production.~~

30c. In the case of enhanced fisheries, natural production components of the “stock under consideration” ~~is arc~~ managed in accordance with ~~Article 7 of~~ the Code of Conduct ~~and maintained at a level that promotes the objective of optimal utilization.~~

Ecosystem considerations

31. Requirement: Adverse impacts of the fishery and any associated culture and enhancement activity on the ecosystem should be appropriately assessed and effectively addressed. Enhanced and culture-based fisheries will be managed to ensure biodiversity of aquatic habitats and ecosystems are conserved and endangered species protected.¹⁶ Significant scientific uncertainty is to be expected in assessing possible adverse ecosystem impacts of fisheries, including culture and enhancement activities. This issue can be addressed by taking a “risk assessment/risk management approach”. For the purpose of development of ecolabelling schemes, the most probable adverse impacts should be considered, taking into account available scientific information, and local knowledge provided that its [their] validity can be objectively verified. Those impacts that are likely to have serious consequences should be addressed. This may take the form of an immediate management response or further analysis of the identified risk. In this context, full recognition should be given to the special circumstances and requirements in developing countries and countries in transition, including financial and technical assistance, technology transfer, and training and scientific cooperation.

Methodological aspects

Assessing current state and trends in target stocks

32a. There are many ways in which state and trends in stocks may be evaluated, that fall short of the highly quantitative and data-demanding approaches to fish stock assessment that are often used in developed countries. Use of less elaborate methods for stock assessment frequently used for inland capture fisheries should not preclude them from possible certification for ecolabelling. However it should be noted that, to the extent that the application of such methods may result in greater uncertainty about the state of the “stock under consideration”, more precautionary approaches to managing such resources could be required which may necessitate lower levels of utilization of the resource. There is a variety of management measures commonly used in small scale or low value fisheries that nonetheless can achieve quite adequate levels of protection for stocks in the face of uncertainty about the state of the resource.

~~32b. Stock assessment of enhanced or culture-based fisheries should not focus on the hatchery output but more on the recruitment of hatchery fish to the fishery and on the contribution of natural reproduction.~~

¹⁴ Code of Conduct for Responsible Fisheries, Article 9.1.5.

¹⁵ Code of Conduct for Responsible Fisheries, Article 9.3.

¹⁶ Code of Conduct for Responsible Fisheries, Article 7.2.

Following the Technical Consultations in 2004 and 2005, FAO produced Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries. Those guidelines were adopted by the twenty-sixth session of COFI in 2005. In 2006, FAO held an Expert Consultation on the development of similar guidelines for inland capture fisheries. In adopting the guidelines, the twenty-sixth session of COFI recommended that "FAO should review and further develop general criteria in relation to 'stock under consideration' and to serious impacts of the fishery on the ecosystem (paragraph 27 of the Guidelines)". This recommendation was subsequently endorsed by the twenty-seventh session of COFI in March 2007, where it was agreed that FAO undertake further work in relation to minimum substantive requirements and criteria for both marine and inland capture fisheries. Following this request by the twenty-seventh session of the Committee on Fisheries, the Expert Consultation on the FAO Guidelines for Ecolabelling for Capture Fisheries was convened by FAO in Rome from 3 to 5 March 2008. The Expert Consultation reviewed the existing marine and inland capture fisheries guidelines and formulated recommendations to COFI to address COFI's request on "stock under consideration" and "minimum substantive requirements".

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